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July 10, 2017

The Honorable Katherine Polk Failla  
United States District Judge  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *Lynda and William Beierwaltes v. Directorate  
General of Antiquities of the Lebanese Republic*  
Case No. 17-CV-4755 (KPF)

Dear Judge Failla:

We are counsel to plaintiffs Lynda and William Beierwaltes in the above-entitled action. We have been copied on a letter dated June 29, 2017 to this Court from Assistant District Attorney Matthew Bogdanos of the New York County District Attorney's Office ("DANY"). We also acknowledge receipt of this Court's memo endorsement of DANY's letter in which this Court has directed plaintiffs to file a status letter by July 14, 2017, indicating whether plaintiffs intend to file an amended complaint or how they intend otherwise to proceed in this matter.

First, we join DANY in thanking this Court for resolving certain preliminary issues in a conference call in chambers on June 22, 2017. At the conclusion of that conference call, Mr. Bogdanos, on behalf of DANY, represented to this Court that DANY would not repatriate the ancient Greek marble Head of a Bull excavated from the Temple of Eshmun in Lebanon (the "Bull's Head"), whose right of ownership is the gravamen of the complaint, prior to an adjudication on the merits of this action for declaratory judgment pending before this Court.

In its June 29<sup>th</sup> letter, DANY reaffirmed its representation but also indicated that it would notify this Court and counsel should its position change. DANY also set forth its interpretation of the law applicable to this case. Other than to state that plaintiffs disagree with DANY's conclusion, we reserve legal argument on the merits to be set forth at the appropriate time in any dispositive motion before this Court.

It is our understanding that as of the date of this letter, DANY has seized and is now in possession of the Bull's Head.

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Given DANY's position, plaintiffs intend to amend its complaint to add DANY as a defendant in this action. We intend to file the amended complaint by the end of this week. As required by the Foreign Sovereign Immunities Act, 28 USC §1608(b)(3), we have been in the process of having the complaint, this Court's Individual Rules of Practice in Civil Cases (Rev. June 17, 2015) and the other case initiating documents translated into Arabic prior to service on the Directorate General of Antiquities of the Lebanese Republic (the "DGA"), a process that has been quite time-consuming. We anticipate that translation of the amended complaint will delay service by an additional number of days. Nevertheless, we will make every effort to effect service of the amended complaint on both the DGA and DANY no later than the week of July 24, 2017.

Once the matter has been joined, we understand that this Court will set a date for an initial pretrial conference in this matter.

In advance of this letter, we have advised Mr. Bogdanos of our decision to file an amended complaint, adding DANY as a defendant in this action.

Respectfully submitted,

Pearlstein McCullough & Lederman LLP  
*Attorneys for Plaintiffs*

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